

1 THE HONORABLE JOHN C. COUGHENOUR  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 DAVID CURTIS,

11 Plaintiff,

12 v.

13 COMMISSIONER OF SOCIAL SECURITY,

14 Defendant.

CASE NO. C15-5234-JCC

ORDER

15 This matter comes before the Court on Plaintiff's unopposed motion for attorney fees  
16 (Dkt. No. 28).

17 Whenever a court renders a judgment favorable to a claimant under this subchapter  
18 who was represented before the court by an attorney, the court may determine and  
19 allow as part of its judgment a reasonable fee for such representation, not in excess  
of 25 percent of the total of the past-due benefits . . . .

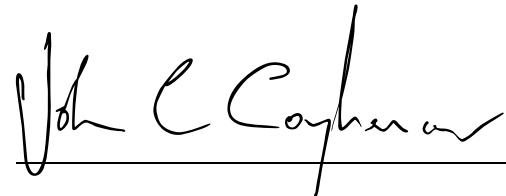
20 42 U.S.C. § 406(b)(1)(A). Plaintiff agreed to pay his attorney 25% of his past-due benefits if his  
21 Social Security appeal was successful. (Dkt. No. 28-1.) Plaintiff's appeal was successful, and the  
22 total award is \$161,720 in past-due benefits. (Dkt. No. 28-2.) In accordance with the fee  
23 agreement, Plaintiff asks the Court to authorize a fee of \$34,430 to be paid to his attorney. (Dkt.  
24 No. 28 at 5.) The Court finds that the total fee is reasonable given that it comports with the fee  
25 agreement, counsel's representation was effective, there was no undue delay, and the fee does  
26 not represent a windfall. (*See generally id.*) The Commissioner does not oppose the request or

1 the amount of fees. (Dkt. No. 30.)

2 Plaintiff's motion for attorney fees (Dkt. No. 28) is GRANTED. Defendant shall release  
3 the remaining fee owing of \$34,430 minus any applicable processing fee to Plaintiff's attorney,  
4 Kevin Kerr. Counsel is DIRECTED to refund Plaintiff \$7,332.30, the amount in attorney fees  
5 paid to Mr. Kerr under the Equal Access to Justice Act, 28 U.S.C. § 2412. (See Dkt. No. 27.)

6 DATED this 18th day of June 2019.

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John C. Coughenour  
UNITED STATES DISTRICT JUDGE